

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., a Delaware Corporation, and)
NICE SYSTEMS, LTD., an Israeli Corporation,)
)
Plaintiffs,)
v.) Civil Action No. 06-311-JJF
)
WITNESS SYSTEMS, INC, a Delaware Corporation,)
)
Defendant.)

STIPULATION REGARDING AGREED CLAIM CONSTRUCTION TERMS¹

The parties to the above-captioned action, by and through their undersigned counsel, hereby stipulate and agree to the claim construction terms which are attached hereto as Exhibit A.

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SO ORDERED, this ____ day of _____, 2007

J.

¹ Exhibit A includes and further supplements Part I at p. 1 of the Joint Claim Construction Chart (Claim Construction Agreed To By The Parties) submitted on April 25, 2007, and amended on May 10, 2007 [D.I. 128].

EXHIBIT A

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)**I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES**

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

Patent	Relevant Claim	Claim Term	Proposed Construction
U.S. No. 5,274,738	Claim 1	a second bus	TDM bus.
U.S. No. 5,396,371	Claim 8	partition	A portion of a random access storage (RAS) device.
U.S. No. 6,249,570	Claims 6 and 7	lifetime of the telephone call	An entire telephone call.
U.S. No. 6,249,570	Claim 7	Realtime link	A data link providing data regarding telephony event during the call at the occurrence of each telephony event.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	lifetime of a telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 40	participant	An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,785,370	Claims 1 and 27	lifetimes of telephone calls	Two or more entire telephone calls.
U.S. No. 6,959,079	Claim 5	evaluator	A component used to design evaluation forms.
U.S. No. 6,959,079	Claim 6	automated evaluations	Evaluations performed by predefined programming.
U.S. No. 7,010,109	Claim 1	communication device	A device used for transmitting and/or receiving audio and/or video information.

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Patent	Relevant Claim	Claim Term	Proposed Construction
U.S. No. 7,010,109	Claim 1	conference call	A multi-participant session even if only two participants are present, one of which is a recording device
U.S. No. 7,010,109	Claim 1	participant	A communication device or recording device which is present on a conference call.
U.S. No. 7,010,109	Claims 16 and 29	hunt group	Any type of virtual or non-fixed telephone extension systems, in which a central control unit determines the physical extension which is used.

Terms the Parties Have Agreed Do Not Require Construction After the Filing of the Amended Joint Claim Construction Chart

Patent	Relevant Claim	Claim Term
U.S. No. 6,775,372	Claim 1	wherein at least two stages of the system are physically separable and in operation can be located wide distances apart